

**17767. Misbranding of Diatussin and Diatussin Syrup. U. S. v. 100 Bottles of Diatussin, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25092, 25093. I. S. Nos. 5151, 5152. S. No. 3345.)**

Examination of samples of drug products, known as Diatussin and Diatussin Syrup, having shown that the labels bore claims of curative and therapeutic properties that the articles did not possess, the herein-described interstate shipments of quantities of the articles were reported, by authority of the Secretary of Agriculture, to the United States attorney for the Eastern District of Pennsylvania.

On September 11, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 100 bottles of Diatussin and 1 dozen bottles of Diatussin Syrup, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Ernst Bischoff Co. (Inc.), New York, N. Y., alleging that the articles had been shipped from New York, N. Y., on or about August 22, 1930, and August 29, 1930, respectively, into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Diatussin consisted essentially of extracts of plant drugs including thyme, alcohol, and water; and that Diatussin Syrup consisted essentially of extracts of plant drugs including thyme, alcohol, sugar, and water.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, appearing in the labeling, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Carton label of both products and bottle label of Diatussin Syrup) "For use in Whooping Cough and other Spasmodic Coughs;" (circular accompanying both products) "Treatment of Whooping Cough and other Spasmodic Coughs \* \* \* Indications. \* \* \* for relief of that severest of all coughs, Whooping Cough. Having proven effective in that condition \* \* \* Every cough is benefited by its use. This is particularly true in Night Cough of the aged. Bronchial asthma often yields to its soothing action as do those dry hacking coughs without definite etiology. Post-Influenzal cough, the cough accompanying Measles and some forms of Bronchitis and Laryngitis are among the respiratory disorders amenable to Diatussin therapy. \* \* \* Comments by Medical Profession." (Under this heading appear numerous statements in the form of testimonials of physicians regarding the efficacy of the preparation.)

On September 29, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17768. Misbranding of Histosan Syrup. U. S. v. 1 Dozen Bottles of Histosan Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25094. I. S. No. 5875. S. No. 3344.)**

Examination of samples of a drug product, known as Histosan Syrup, from the herein-described interstate shipment, having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On September 11, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 dozen bottles of the said Histosan Syrup, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Ernst Bischoff Co. (Inc.), New York, N. Y., alleging that the articles had been shipped from New York, N. Y., on or about July 2, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of guaiacol, protein matter, sulphates, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the

effects claimed: (Bottle label and carton) "For use in acute chronic Bronchitis, Pneumonia and other Pulmonary Diseases;" (circular accompanying the article) "Controls the cough in acute and chronic bronchitis, pneumonia and other pulmonary diseases. \* \* \* The sequel of pneumonia might have been avoided. The recurrent colds which weaken the system and predispose to tuberculosis should be constantly guarded against. \* \* \* Coughs of every character are relieved and their tendency to become chronic is lessened. Bronchitis yields to the soothing properties of Histosan and the troublesome cough is allayed without the use of opiates. Phthisis in its incipency is favorably influenced and, with proper dietic regulations and climatic conditions, may be effectively checked. Even in the latter stages of chronic tuberculosis Histosan offers the sufferer a considerable measure of relief in that it promotes expectoration and controls the distressing bronchial cough. \* \* \*

Comments by Medical Profession \* \* \* H. F., ten years of age, came under observation on October 3rd. Tuberculosis of the thigh bone of the left leg. The diseased portion of the bone was removed by means of a scoop and the wound packed. Beginning on October 6th the patient was given Histosan three times a day. The wound healed rapidly and by November 10th the patient was able to be about. Was discharged cured on November 27th. \* \* \*

A. W., four years old, had an attack of pneumonia affecting the right lung. About one month later pus developed in the thoracic cavity. On operation one pint of pus was withdrawn and proper drainage established. Histosan treatment was begun after the operation. Fourteen days later the discharge of pus was greatly diminished and soon ceased altogether. The boy was discharged completely cured. His general condition was excellent and he had made a remarkable gain in weight. \* \* \*

B. A., twelve years old. Suffered six months from intestinal catarrh, causing frequent watery stools often mixed with blood. Had resisted every form of treatment. Given Histosan from October 7th to 31st when stools became less frequent and more solid. At the end of three weeks recovery was complete. \* \* \*

F. E., housewife, 56 years old. Had suffered from cough for the past six years. Her breathing was labored and her breath was very offensive. She was greatly emaciated. Microscopic examination revealed pus in the sputum as well as cells from the lining of the air passages. A diagnosis of putrid bronchitis was made and the patient put on Histosan. The cough soon showed signs of improvement as did the distressed breathing. Expectoration decreased and the general condition improved. There was a decided gain in weight and the complexion became clearer. Although the treatment was of necessity continued over a long period no disturbance of digestion was noticed. \* \* \*

B. M., aged six. Had discharge of pus from right ear over four weeks. Examination on August 8th showed swelling and redness back of right ear with pain and fever present. A simple incision brought no relief and on August 11th after curetting the mastoid process Histosan was prescribed in teaspoonful doses three times a day. Pain and fever diminished. At the end of four weeks the discharge from both the ear and the fistulous tract had ceased completely."

On September 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17769. Adulteration and misbranding of fluid extract of ginger. U. S. v. 8 $\frac{3}{4}$  Gallons of Fluid Extract Ginger. Default decree of condemnation and destruction. (F. & D. No. 24914. I. S. No. 025462. S. No. 3188.)**

Samples of fluid extract of ginger from the herein-described interstate shipment having been found to contain less alcohol than labeled and not to conform to the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On July 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 $\frac{3}{4}$  gallons of fluid extract of ginger at Erie, Pa., alleging that the article had been shipped by the Savoy Drug & Chemical Co., from Chicago, Ill., on or about September 5, 1929, and had been transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ginger U. S. P. Alcohol 82%."

Analysis of a sample of the article by this department showed that its content of alcohol was 73.84 per cent.